

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	:	ID No. 1509003526
	:	
	:	
v.	:	RK-15-090428 01 PDWDCF
	:	RK-15-120034 01 ATT MURDER 1 ST
	:	
	:	
DANIEL R. EYSTER,	:	
	:	
Defendant.	:	
	:	

Submitted: September 6, 2022

Decided: November 14, 2022

ORDER

Defendant's Motion for Postconviction Relief - SUMMARILY DISMISSED

On this 14th day of November 2022, after considering Defendant Daniel R. Eyster's First Motion for Postconviction Relief, and the record, **IT APPEARS THAT:**

1. Mr. Eyster filed his Motion for Postconviction Relief, *pro se*, on September 6, 2022. He seeks relief from an August 23, 2016 conviction for Attempted Murder First Degree and Possession of a Deadly Weapon During the Commission of a Felony (PDWDCF). He filed this motion more than six years after his conviction.

2. Superior Court Criminal Rule 61(i)(1) provides :

[a] motion for postconviction relief may not be filed more than one year after the judgment of conviction is final or, if it asserts a retroactively applicable right that is newly recognized after the judgment of conviction is final, more than one year after the right is first recognized by the Supreme Court of Delaware or by the United States Supreme Court.

3. While Superior Court Criminal Rule 61(i)(5) makes this procedural bar inapplicable in certain circumstances, Mr. Eyster identifies no exception to excuse his untimeliness. Accordingly, his Motion is procedurally barred and must be dismissed.

NOW, THEREFORE, for the reasons explained above, Defendant's Motion for Postconviction Relief is summarily **DISMISSED**.

IT IS SO ORDERED.

/s/ Jeffrey J Clark
Resident Judge

JJC/jan

oc: Prothonotary

cc: Stephen Welch, DAG

Suzanne MacPherson-Johnson, Esquire

Daniel R Eyster, JTVCC